

The Senate Science and Technology Committee offered the following substitute to SB 391:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Secretary of State, so as to require the Secretary of State to authorize and procure a website service provider for the purpose of establishing and maintaining a public notice website; to provide for definitions; to provide that, when a public notice is required by law to be published in a manner other than by posting in print in a newspaper in a county, such requirement may be satisfied by posting such public notice on the public notice website; to provide for certain requirements for such website and website provider; to provide for the remission of certain monies generated by the operation of the website back to counties; to provide for certain immunities; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Secretary of State, is amended by adding a new article to read as follows:

"ARTICLE 6

45-13-100.

As used in this article, the term:

(1) 'Notice' means any notice that is required by law to be published for the purpose of notifying the public, with the exception of notices which are required by law to be published in a newspaper in a county, and includes notices of meetings under Chapter 14 of Title 50 and notices of rule making under Chapter 13 of Title 50.

(2) 'Public notice website' means a website authorized and procured by the Secretary of State for the purpose of providing the option of satisfying public notice requirements of law by publishing public notices on the Internet.

(3) 'Website service provider' means the vendor selected to be the public notice website provider and establish and maintain the public notice website for the State of Georgia.

45-13-101.

When a notice, other than a notice required by law to be published in a newspaper in a county, a notice of meetings under Chapter 14 of Title 50, and a notice of rule making under Chapter 13 of Title 50, is required by law to be published, such requirement may be satisfied by posting such notice on the public notice website authorized and procured by the Secretary of State. In the case of notices of meetings under Chapter 14 of Title 50 and notices of rule making under Chapter 13 of Title 50, such notices shall be posted on the public notice website in addition to the other forms of publication required by law.

45-13-102.

(a) The Secretary of State shall authorize and procure a single website service provider at no cost to the state or its political subdivisions for the purpose of establishing and maintaining a public notice website meeting the requirements of this article.

(b) The website service provider shall:

(1) Permit posting of notices on the public notice website by an entity;

(2) Submit a periodic compliance report to the Secretary of State that includes such quality review information as the Secretary of State may require. The Secretary of State shall have full access to the website service provider's technological and informational operations for the purposes of such review;

(3) Maintain all of the features of the public notice website so that it is fully publicly accessible at all times;

(4) Maintain adequate government-grade security, including systematic protection, back-up, hardware, and contingency planning to guard against power outages and other security dangers which might compromise the integrity of the information posted on the website;

(5) Have the right to hold and use a domain name and Internet location which is readily recognizable by the public and indicates the website's functionality and geography;

(6) Not infringe on a legally protected intellectual property right of another website company sufficient to cause interruption to the public notice website by virtue of legal process;

(7) Possess appropriate technology, infrastructure, and software sufficient to operate and maintain the website with proper and efficient communication with the noticing and user entities;

- (8) Have sufficient minimal capital requirements to ensure uninterrupted ongoing operation as the Secretary of State may require to be certified upon request;
- (9) Possess sufficient technology, together with the right to deploy such technology, to allow uploading from entities directly onto the website. Such technology shall be deployed without expense to the state;
- (10) Ensure that individual notices are displayed for not less than the length of time requested by the posting entity;
- (11) Include an archives feature that is accessible and free of charge as a public service at all times and include a function that allows the public to determine which notices have been posted by a given entity;
- (12) Provide that notices, both current and archived, are publicly searchable by keyword, by entity, and by publication area;
- (13) Not charge a fee to a person accessing, searching, or using a public notice website function;
- (14) Charge a reasonable fee, not to exceed the rates to be allowed for publishing legal advertisements provided by Code Section 9-13-143, for the provision and maintenance of website services which shall be at no cost to the state or any of its political subdivisions except when posting a notice;
- (15) Remit 10 percent of the profits generated by the operation of the website back to the counties and municipalities of the state for discretionary use in the prosecution of governmental affairs for the benefit of the public; and
- (16) Post a bond of reasonable amount as determined by the Secretary of State to ensure the public interest.

45-13-103.

The State of Georgia, its political subdivisions, the Secretary of State, and the employees of the Secretary of State shall be not liable or responsible for the content of matters posted on the public notice website nor the failure to post any matter on such website or any inability on the part of any person to be able to access such website."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.